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Co-Counsel to the WHC Liquidation Trust

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JEREMY ROSENTHAL, as Liquidation
Trustee of the WHC LIQUIDATION TRUST,

Plaintiff,

v.

HALSEN HOLDINGS, LLC, a California
limited liability company; SOUTH TEXAS
ASSOCIATES & RESOURCES, a California
corporation; PENINSULA HEALTHCARE
MANAGEMENT LLC, a Nevada limited
liability company; DANIEL BROTHMAN, an
individual; EDITH BROTHMAN, an individual;
STACY SEAN FOWLER, an individual;
EDMUND C. KING, an individual; and DOES
1 through 100, inclusive,

Defendants.

Case No. 5:23-cv-06216-PCP

**RULE 26(f) REPORT AND
DISCOVERY PLAN**

Complaint Filed: December 1, 2023

Trial Date: None

Judge: Hon. P. Casey Pitts

Case Management Conference:

Hearing Date: May 16, 2024

Hearing Time: 1:00 p.m. (Pacific Time)

Place: Robert F. Peckham Federal
Building & United States
Courthouse
280 South 1st Street,
Courtroom 8, Fourth Floor
San Jose, CA 95113

Pursuant to Fed. R. Civ. P. 26(f), counsel to the parties in the above captioned case (“Parties”), Plaintiff Jeremy Rosenthal (“Plaintiff”) and Defendants Halsen Holdings, LLC, South Texas Associates & Resources, Peninsula Healthcare Management LLC, Daniel Brothman, Edith Brothman, Stacy Sean Fowler, and Edmund C. King (“Defendants”), met and conferred on April 12, 2024 and April 15, 2024, regarding the nature and basis for the claims and defenses alleged in this case, as well as the topics outlined in this report and discovery plan:

1. **Initial Disclosures:** The Parties shall exchange their Initial Disclosures on or before May 3, 2024. The Parties have agreed not to exchange substantive documents at this time.

2. **Subjects of Discovery:** The Parties anticipate engaging in discovery on the issues set forth in the complaint filed by Plaintiff (Dkt. No. 1).

3. **Discovery:** No formal discovery requests have been served to date. The Parties have agreed to a temporary stay of formal discovery, aside from serving initial disclosures and voluntary production of relevant documents, in an effort to facilitate a mediation of this case. The Parties hope to have selected a mediator prior to the upcoming May 16, 2024 case management conference and schedule mediation to occur by no later than August 31, 2024. Aside from serving initial disclosures, the Parties have agreed to delay the commencement of formal discovery through the May 16, 2024 case management conference to allow the Parties to focus on selecting a mediator and mediation date, and engaging in informal discovery, in the interim. If, prior to the case management conference, the Parties are able to schedule a mediation to occur on or before August 31, 2024, the Parties will meet and confer on targeted informal discovery aimed at facilitating a successful mediation.

If, as of the case management conference, no mediation has been scheduled, the Parties shall have no further restrictions on engaging in formal discovery and shall meet and confer on a revised scheduling order regarding formal discovery deadlines. If, as of May 17, 2024, no such mediation has been scheduled, the Parties shall exchange substantive documents relevant to initial disclosures on or before May 31, 2024 and may proceed with formal discovery. If, at any point, a party has concluded in good faith that a mediation will not occur before August 31, 2024, or if a mediation of this case has occurred, but has not resulted in a settlement, such party may give written

1 notice thereof to the other parties, and the Parties shall exchange substantive documents relevant to
2 initial disclosures within 14 days after such written notice is provided, and may proceed with formal
3 discovery. The Parties have discussed a stipulated e-discovery order and do not view it as necessary
4 at this time.

5 4. **Electronically Store Information (“ESI”):** The Parties have reviewed the ESI
6 Guidelines and met and conferred on April 15, 2024, regarding reasonable and proportionate steps
7 to preserve relevant evidence. Counsel to the Parties represent that their clients have been instructed
8 to preserve relevant communications and documents connected to this litigation. As noted above,
9 the Parties do not view a stipulated e-discovery order as necessary at this time.

10 5. **Privilege:** The Parties acknowledge that they must disclose on a privilege log any
11 information they withhold from production based on privilege or work product protection.

12 6. **Pre-Trial Motions:** At this time, there are no motions pending and the Parties do
13 not anticipate filing any motions prior to mediation, subject to unanticipated findings through each
14 party’s investigation of the claims.

15 7. **Modification:** This agreement may be modified by an agreement signed by the
16 Parties or by the Court for good cause shown.

17 8. **Trial Date:** In light of the Parties’ agreement to mediate this case prior to engaging
18 in formal discovery, the Parties are not requesting that a trial date, or related discovery deadlines
19 be set at this time. However, the Parties request that the Court set a continued case management
20 conference in approximately 30 days, at a date and time convenient to the Court, so that the Parties
21 can report on progress towards mediation or, if a mediation date has not been set, request that the
22 Court set deadlines for discovery, designation of experts, hearing of dispositive motions, pretrial
23 conference, and trial.

1 DATED: April 26, 2024

PERKINS COIE LLP

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*Counsel to Plaintiff
Jeremy Rosenthal, as Liquidation
Trustee of the WHC Liquidation Trust*

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10 DATED: April 26, 2024

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Management, LLC, Daniel Brothman, Edith
Brothman, Stacy Sean Fowler, and Edmund C.
King*

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19
20 **Attestation Pursuant to Civil Local Rule 5-1(i)(3)**

21 I, Paul S. Jasper, attest that concurrence in the filing of this document has been obtained
22 from any other signatory to this document.

23 Dated: April 26, 2024

/s/ Paul S. Jasper
Paul S. Jasper, Bar No. 200138